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The Honorable John C. Coughenour

JAN 05 2021

AT SEATTLE
CLERK U.S. DISTRICT COURT
BY WESTERN DISTRICT OF WASHINGTON DEPUTY

UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

UNITED STATES OF AMERICA, *ex rel.*
D R O'HARA and D R O'HARA, Individually,

Plaintiffs,

v.

THE BOEING COMPANY and INSITU, INC.,

Defendants.

CASE NO. C15-01527-JCC

FILED UNDER SEAL

Noted for Consideration on:
January 5, 2021

**UNITED STATES' EX PARTE NOTICE OF INTERVENTION-IN-PART FOR PURPOSES
OF EFFECTUATING SETTLEMENT AND DECLINATION-IN-PART AND
APPLICATION FOR AN UNSEALING OF RELATOR'S COMPLAINT**

The United States, Defendants, and the Relator have concluded a final settlement to resolve the claims brought on behalf of the United States in this action. Pursuant to the False Claims Act, 31 U.S.C. §§ 3730(b)(2) and (4) (FCA), the United States of America hereby notifies the Court of its decision to intervene in part for the purpose of settlement and to decline in part, and respectfully applies to the Court *ex parte* for an Order lifting the seal.

1 Specifically, the United States intervenes in this action with respect to the Covered Conduct,
2 as defined in Paragraph D of the Settlement Agreement executed among the parties on December 23,
3 2020 ("Settlement Agreement"). The United States declines intervention with respect to all other
4 claims alleged in this action apart from those based upon the Covered Conduct.

5 Under the terms of the Settlement Agreement among the parties, following Insitu's payment
6 of the settlement amount and the resolution of the outstanding attorneys' fees issue, the United States
7 and the Relator will file a Joint Stipulation of Dismissal with respect to all claims brought on behalf
8 of the United States.

9 In light of the Settlement Agreement reached among the parties, the United States does not
10 presently intend to file a complaint in intervention but reserves the right to seek leave to file such a
11 complaint in the event that Insitu does not pay the full settlement amount consistent with the terms
12 of the Settlement Agreement.

13 Accordingly, in anticipation of filing of a Stipulation of Dismissal, the United States requests
14 that this Court enter an Order, in the form herewith provided, which lifts the seal on the Relator's
15 Complaint, this Notice and Application, and all subsequent filings.

16 A proposed order accompanies this Notice and Application.

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18 //

1 Dated this 5th day of January, 2021.

2 Respectfully submitted,

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